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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/799,963	03/12/2004	Mo-Han Fong	NRT.0121US (16634RRUS02U)	9041
21906 7590 01/25/2007 TROP PRÜNER & HU, PC 1616 S. VOSS ROAD, SUITE 750 HOUSTON, TX 77057-2631			EXAMINER GONZALEZ, AMANCIO	
			ART UNIT 2617	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE 3 MONTHS			MAIL DATE 01/25/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

10/799,963

Applicant(s)

FONG ET AL.

Examiner

Amancio Gonzalez

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. Claims 1-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lundby et al. (US Pat 7068683), hereafter "Lundby," in view of Chen et al. (US Pat 7155236), hereafter "Chen".

Consider claims 1, 13, and 20, Lundby discloses a wireless communications network (**see Lundby: Abstract; col. 3 lines 8-10; fig. 1**). Lundby discloses communicating data with plural mobile stations over a wireless link (**see Lundby: Abstract; col. 6 lines 19-25; figs. 1, 5**). Lundby discloses sending a broadcast message to the plural mobile stations (**see Lundby: Abstract; col. 8 lines 25-38**).

Lundby discloses the broadcast message containing an indication for indicating to the plural mobile stations that the mobile stations are to change data rates for

transmissions **back to the base station (see Lundby: col. 9 lines 55-67 and col. 10 lines 1-14; fig. 11 steps 122-134)**, but does not particularly refer to transmission to **back to the base station** as reverse link. Chen discloses mobile station transmission on the reverse link **(see Chen: col. 2 lines 25-32 and 67; col. 3 lines 1-6)**.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the invention of Lundby and have it refer to reverse link for mobile-to-base channel communication, as taught by Chen, thereby utilizing an appropriate conventional technical term to distinguish transmission wireless channels between base and mobile stations.

Consider claims 2, 3, 4, 7, 15, and 16, Lundby, as modified by Chen, teaches claims 1, 13, and 14 above respectively; and Chen further discloses grant message on grant message channel on a CDMA system (see Chen: col. 10 lines 62-67; col. 12 lines 3-6; col. 20 lines 22-28; col. 27 lines 38-52).

Consider claims 5 and 6, Lundby, as modified by Chen, teaches claim 4 above; and Chen further discloses MAC ID settings (see Chen: col. 28 Lines 3-4).

Consider claims 8 and 25, Lundby, as modified by Chen, teaches claims 7 and 20 above respectively; and Chen further discloses a shared resources system and mobile ID assignment (see Chen: Abstract; col. 1 Lines 45-50).

Consider claims 9, 12, and 17, Lundby, as modified by Chen, teaches claims 1 and 8 above; and Lundby further discloses changing data rates for transmissions back to the base station (see Lundby: col. 9 lines 55-67 and col. 10 lines 1-14; fig. 11 steps 122-134).

Consider claims 10, 11, 21, and 22, Lundby, as modified by Chen, teaches claims 1, 20, and 21 above respectively; and Chen further discloses autonomous transmitting mode (see Chen: Title; col. 1 lines 17-20; col. 13 lines 45-51 and 66-67; figs. 5, 7, 8).

Consider claim 14, Lundby, as modified by Chen, teaches claim 13 above; Lundby further implicitly discloses layer 2 messaging (data transmission reads on layer 2 messaging –see Lundby: Title; Abstract; col. 1 lines 25-29).

Consider claims 18, 19, 23, and 24, Lundby, as modified by Chen, teaches claims 13 and 20 above respectively; and further discloses indicating data rate to mobile stations (see Lundby: col. 9 lines 55-67 and col. 10 lines 1-14; fig. 11 steps 122-134).

### ***Conclusion***

Any response to this Office Action should be **faxed to** (571) 273-8300 **or mailed to:**

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**Hand-delivered responses** should be brought to

Customer Service Window  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the

Examiner should be directed to Amancio González, whose telephone number is (571) 270-1106. The Examiner can normally be reached on Monday-Thursday from 7:30am to 5:00pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Nick Corsaro can be reached at (571) 272-7876. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

Amancio González  
AG/ag

January 22, 2007



WILLIAM TROST  
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